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MCDERMOTT WILL & EMERY LLP			CHU, KIM KWOK	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,947	Applicant(s) EJIMA, NAOKI
	Examiner Kim-Kwok CHU	Art Unit 2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

- 1) Responsive to communication(s) filed on Pre-Amendment filed on 7/11/2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 7/11/2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/06)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

Claim Objections

1. Claims 1, 3, 11, 13 and 19 are objected to because of the following informalities:

Regarding Claim 1, line 1, the phrase "which transmits content" should be changed to --which transmits content of a recording medium-- according to Fig. 1 and specification, page 1, line 14.

Regarding Claim 3, line 3, the "read-out unit" should be changed to --content reproducing unit-- as illustrated in Fig. 2.

Regarding Claim 11, line 1, the phrase "for transmitting content" should be changed to --for transmitting content of a recording medium-- according to Fig. 1 and specification, page 1, line 14.

Regarding each of Claims 13 and 19, line 2, the phrase "content" should be changed to --content of a recording medium-- according to Fig. 1 and specification, page 1, line 14.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Regarding Claim 1, line 3, the "content blocks"; and in line 4, the "synchronous transmitting unit" must be shown or the feature canceled from the claim. No new matter should be entered.

Regarding Claim 3, line 3, the "read-out unit" must be shown or the feature canceled from the claim. No new matter should be entered.

Regarding Claim 4, line 3, the "validity generating unit" must be shown or the feature canceled from the claim. No new matter should be entered.

Regarding each of Claims 11, 13 and 19, the "content blocks" unit" must be shown or the feature canceled from the claims. No new matter should be entered.

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Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 6 to 10, the claimed "copy control information", "content identification information" and "content status information" are not clear as whether they are belong to the claimed "each of the content block" or the "digital copyrighted work".

Regarding Claim 2, line 3, the function of the claimed "judging unit" is not clear because it should not be operates in the content transmitting apparatus. In Fig. 2, the judging unit 23a is in a reception part of a content recording apparatus.

Regarding each of Claims 11, lines 5-9; Claim 13, lines 6-9; and Claim 19; lines 6-9, the claimed "copy control information", "content identification information" and "content status information" are not clear as whether they belong to the

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claimed "each of the content block" or the "digital copyrighted work".

The claims not specifically mentioned above are rejected because these claims are dependent on the rejected base claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

6. Claims 1-4, 11-15, 19 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Asano et al. (U.S. Patent 6,978,377).

7. Asano teaches a content transmitting apparatus having all of the elements and means as recited in claims 1-4. For example, Asano teaches the following:

Regarding Claim 1, the content transmitting apparatus 10 (Fig. 1) which transmits content (Fig. 4) that is digital copyrighted work (Fig. 4; column 7, lines 13-15) including a plurality of content blocks (Fig. 4; content blocks are the

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stored content files), the apparatus comprising: a synchronous transmitting unit 16/24 (Fig. 1; transmission channel 30 for synchronous data transmission) operable to repeat transmitting (Fig. 1; channel 30 is used for repeated data transmissions), for each of the plurality of content blocks (Fig. 4;), in parallel (together) with each of the content blocks, copy control information (Fig. 4; copyright modes) indicating copy permission of the content, content identification information (Fig. 4; copyright) identifying the content, and content status information (Fig. 4; original or copy) indicating status of each of the content blocks in the overall content (Figs. 4 and 5).

Regarding Claim 2, a judging unit operable to judge whether or not content to be transmitted is copy associated with copy permission number, wherein in the case where the content to be transmitted is judged as the copy associated with the copy permission number by said judging unit, said synchronous transmitting unit transmits, for each of the plurality of content blocks, in parallel with said each of the content blocks, the copy control information, the content identification information and the Content status information, and in the case where the content to be transmitted is judged as not the copy associated with the copy permission number, said synchronous transmitting unit transmits, for each of the plurality of

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content blocks, in parallel with said each of the plurality of content blocks, the copy control information and the content identification information (Fig. 5; column 5, lines 49-60; column 7, lines 47-53).

Regarding Claim 3, a read-out unit operable to repeatedly read out, from a recording medium, for each of the plurality of content blocks, the corresponding content block, the corresponding copy control information, the corresponding content identification information and the corresponding content status information, wherein said synchronous transmitting unit transmits the content block, the copy control information, the content identification information and the content status information that have been read out by said read-out unit (Figs. 1 and 5).

Regarding Claim 4, a validity flag generating unit operable to generate a validity flag indicating whether or not the content identification information read out from the recording medium is valid data (Fig. 1; inherent feature such as decoding and error control which verify all the data transmission), wherein said synchronous transmitting unit transmits the content identification information accompanied by the validity flag (Fig. 1; validity flag is an inherent feature such as transmission error control).

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8. Claims 11 and 12 have limitations similar to those treated in the above rejections, and are met by the reference as discussed above.

9. Asano teaches a content receiving apparatus having all of the elements and means as recited in claims 13-15, 19 and 20.

For example, Asano teaches the following:

Regarding Claim 13, the content receiving apparatus 20 (Fig. 1) which receives, from outside, content that is digital copyrighted work including a plurality of content blocks (Fig. 4), and records the content into a recording medium 26 (Fig. 1), wherein the plurality of content blocks are sequentially transmitted, each of the content blocks being accompanied by the copy control information indicating copy permission of the content, the content identification information identifying the content, and the content status information indicating status of each of the content blocks in the overall content (Figs. 4 and 5), and the content receiving apparatus 20 (Fig. 1) comprises: a receiving unit 24 operable to receive each of the content blocks, the copy control information, the content identification information and the content status information; and a recording unit 26 operable to record the content indicated by the content

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identification information into the recording medium based on the content status information within a range that does not exceed the copy permission number, in the case where the copy control information indicates that the copy permission number (two generations) is limited (Fig. 5).

Regarding Claim 14, a memory unit 23 (Fig. 1) operable to memorize copy number table that has recorded a cumulative number that has been acquired after the receiving unit received (Fig. 5), for each of the content identification information, the content indicated by the content identification information, and recorded into the recording medium by the recording unit, and the recording unit (i) refers to the copy number table memorized by said memory unit, (ii) reads out the cumulative number corresponding to the content identification information received by said receiving unit, and (iii) judges whether or not the read-out cumulative number does not exceed the copy permission number indicated by the copy control information received by said receiving unit, and in the case where the read-out cumulative number does not exceed the copy permission number, the recording unit records the content into the recording medium (Figs. 1 and 5).

Regarding Claim 15, the recording unit 26 updates the cumulative number to be incremented by one, the cumulative

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number corresponding to the content identification information memorized by the memory unit 23, when confirming that the overall content is received, and recorded into the recording medium, based on the content status information (Figs. 1 and 5).

10. Claims 19 and 20 have limitations similar to those treated in the above rejections, and are met by the reference as discussed above.

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Allowable Subject Matter

11. Claims 5-10 and 16-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 5, the prior art of record fails to teach or fairly suggest a content transmitting apparatus having following features: the validity flag generating unit judges whether or not read-out mode of the recording medium used by the read-out unit is special reproduction, and in the case where the read-out mode is the special reproduction, said validity flag generating unit generates a validity flag indicating that the content identification information is invalid.

As in claim 6, the prior art of record fails to teach or fairly suggest a content transmitting apparatus having following features: the content identification information includes a data sequence made of a plurality of data, and said validity flag generating unit judges whether or not the data sequence has been completely read out from the recording medium by said read-out unit, and generates the validity flag based on the result.

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As in claim 8, the prior art of record fails to teach or fairly suggest a content transmitting apparatus having following features: In the case where the validity flag indicating that the content identification information is invalid is generated, the validity flag generating unit makes the content identification information null data.

As in claim 16, the prior art of record fails to teach or fairly suggest a content receiving unit which updates the cumulative number to be incremented only by one in the case where the recording unit has been able to confirm the status has been transferred in the order of "head part", to "central part" and to "end part", the status being in the overall content indicated by the content status information corresponding to said each of the plurality of content blocks.

As in claim 17, the prior art of record fails to teach or fairly suggest a content receiving unit which updates the cumulative number to be incremented only by one, in addition to the confirmation by the content status information, in the case where all of the content identification information corresponding to each of the plurality of content blocks is identical.

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As in claim 18, the prior art of record fails to teach or fairly suggest a content receiving unit wherein the content identification information is accompanied by a validity flag indicating whether or not the content identification information is valid data, and the recording unit checks the validity flag, and in the case where the result indicates that the content identification information is invalid, the recording unit records the content into the recording medium.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

Related Prior Art

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsushima et al. (7,159,244) is pertinent because Matsushima teaches a content copying system.

Tagawa et al. (6,615,192) is pertinent because Tagawa teaches a content copying system.

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14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627
September 1, 2009
(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627